

## **House panel approves plan to let counties eliminate constables**

Associated Press (FRANKFORT) — Counties could abolish their constable offices under a bill that cleared a House panel on Tuesday, February 26.

The proposal, which state lawmakers have been trying to pass in various forms for years, was approved by the House Committee on Elections, Constitutional Amendments and Intergovernmental Affairs. The bill proceeds to the full House for consideration.

The measure would amend Kentucky's constitution, which established the constable position in 1850. Constables are elected and have the same law enforcement powers as sheriffs. But the office lacks any training requirements, leading some constables to abuse their law enforcement powers, supporters of the bill said.

"I'm not here to say all constables are bad or not following the law," said Rep. Adam Koenig, R-Erlanger, the bill's sponsor. "But there have been plenty of incidences where that has been the case."

In Kenton County, part of which Koenig represents, a constable served time for impersonating a police officer in 2008. And in 2011, a constable in Jefferson County shot a woman he suspected of shoplifting at a Walmart. The constable, David Whitlock, pleaded guilty to assault under extreme emotional disturbance and entered a diversion program in lieu of a five-year prison sentence.

A 2012 state report commissioned by the Kentucky Justice and Public Safety Cabinet said the office is outdated. Constables contribute one-fourth of 1 percent of law enforcement activity in the state, the report said. In some counties, constables serve warrants and do little else — but they still have arrest powers.

"(Constables) are part-time. They have other jobs," John Bizzack, commissioner of the Criminal Justice Department of Training, testified. "The position of constable has been referred to as a hobby because it is part-time."

Bizzack said police officers in Kentucky are legislatively mandated to receive 840 hours of basic training and an additional 40 hours of training each year. Zero hours of instruction are required for constables.

Representatives from the Kentucky Constable Association did not testify at the hearing. But the organization has opposed previous legislative efforts to abolish the office, pushing for more training instead.

Bizzack said training for constables could cost the state millions of dollars and require Kentucky to retool its law enforcement training program to accommodate the duties of the state's 500-plus constables.

The 2012 report from the Justice and Public Safety Cabinet found that 16 states have already abolished their constable offices. Several other states have passed laws that limit the office's enforcement powers.